

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

MALCOLM DWAYNE ELLIS,

Plaintiff,

v.

KILOLO KIJAKAZI, Commissioner of The
Social Security Administration,

Defendant.

Case No. 20-CIV-293-RAW-KEW

ORDER REMANDING CASE FOR FURTHER PROCEEDINGS

On August 25, 2022, the United States Magistrate Judge entered a Report and Recommendation recommending that the above-styled case be reversed and remanded for further proceedings [Docket No. 21]. The Magistrate Judge found that correct legal standards were not applied by the Administrative Law Judge by failing to properly account for the Plaintiff's mental impairments in determining the RFC, and the decision of the Commissioner is therefore not supported by substantial evidence. The Commissioner did not file an objection to the Report and Recommendation and the time for filing objections has passed.

Upon full consideration of the record and the issues herein, this court finds that the Magistrate Judge's recommendation to reverse and remand for further proceedings is well supported. Accordingly, the Report and Recommendation of the Magistrate Judge is hereby affirmed and adopted as this court's Findings and Order.

IT IS THEREFORE ORDERED that the decision of the Administrative Law Judge is hereby **REVERSED** and this case is hereby **REMANDED** pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

IT IS SO ORDERED this 19th day of September, 2022.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive style with a large, stylized "R" and "W".

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA